

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED

DEC 29 2010

(M/S)

DARRIEN MARK BAILEY,  
441-1009-693,

Plaintiff,

-against-

DEPT. OF CORRECTIONS,

Defendant.

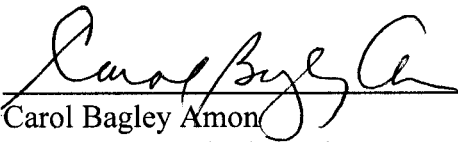
MEMORANDUM  
AND ORDER  
10-CV-4349 (CBA)

AMON, United States District Judge:

On October 20, 2010, plaintiff, currently incarcerated at the Anna M. Kross Center at the Rikers Island Correctional Facility, filed this *pro se* action alleging that he was injured playing basketball in the recreation yard on October 8, 2010. By Order dated November 5, 2010, plaintiff was directed to file an amended complaint within thirty (30) days. The Order further states that if plaintiff failed to comply with the Order within the time allowed, "the complaint shall be dismissed for failure to state a claim on which relief may be granted, 28 U.S.C. §§ 1915(e)(2)(B)(ii); 1915A, and judgment will enter." Plaintiff has not responded to the Court's Order and the time for doing so has passed. Accordingly, it is,

**ORDERED, ADJUDGED AND DECREED:** that the complaint is hereby dismissed for failure to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(ii); 1915A. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

  
Carol Bagley Amon  
United States District Judge

Dated: Brooklyn, New York

Dec 29, 2010